

STATE OF HAWAII  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	Case Nos. <u>CU-12-15</u>
BRUCE J. CHING,	)	<u>CE-12-25</u>
Complainant,	)	
and	)	Order No. <u>94</u>
STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS,	)	
and	)	
HARRY BORANIAN, CITY AND COUNTY OF HONOLULU,	)	
Respondents.	)	

ORDER DENYING MOTIONS TO AMEND  
ANSWER AND TO DISMISS COMPLAINT

On June 7, 1976, complainant filed the above-captioned cases against the State of Hawaii Organization of Police Officers (hereafter SHOPO) and the City and County of Honolulu (hereafter City), respectively. The City filed an answer to the complaint on June 17, 1976. Complainant then amended his complaint by adding a second cause of action, entitled "Collusion," on July 26, 1976. In response to motions for particularization of the amended complaint filed by both respondents (granted in Board Orders 69 and 70), complainant Ching filed a second amended complaint with this Board on August 13, 1976. SHOPO filed an answer to the second amended complaint on August 19, 1976; and the City filed its answer on August 23, 1976.

On October 19, 1976, SHOPO filed a Motion to Dismiss, based on complainant's failure, in the second amended complaint, to specify which subsections of Chapter 89, HRS, had been violated.

On November 4, 1976, SHOPO filed a Motion to Amend Respondent's Answer to include the defense of the statute of

limitations. This defense had been raised by the City in its June 17, 1976 answer to the initial complaint filed in the above-captioned cases. A hearing on the motion was held on November 10, 1976.

Although respondent City has timely raised the defense of the statute of limitations, this Board is of the opinion that additional facts are necessary to determine whether or not the defense is applicable herein.

As to respondent SHOPO, the Board hereby denies both of its subject motions.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
Mack H. Hamada, Chairman

  
James K. Clark, Board Member

Dated: January 3, 1977

Honolulu, Hawaii